

# EXHIBIT

# 26

*Internal Affairs Investigative Report Outline*

**Internal Affairs Complaint #** IA16-0019

**Nature of Complaint:** 1.10 Unsatisfactory Performance

**Officer Involved:** Sgt. Charles Funk 370

**Date of Incident:** 03/14/2016- 03/20/2016

**Investigated By:** Lieutenant Susan Baylis

**Date:** 04/18/2016

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**Background- Failure to review and edit training documents and brief on coming Sergeant**

On 3/15/2016 Sgt. Diehl reported to Lt. Ruiz that Sgt. Funk did not properly edit paperwork provided to her and that she completed training documents he was to respond to that he did not. Diehl reported she also found reports from the weekend that she had to approve and believed they were reports Sgt. Funk should have taken care of during his shift. These violations also were in direction contradiction to an email Lt. Ruiz sent to Sgt. Funk as a follow up coaching for as to his job expectations.

\*\* On 3/31/16 IA16-0020 (IA16-0020 withdrawn) was combined with this complaint as both complaints addressed unsatisfactory work issues. This portion of IA Summary Report is included after this report address the failure to edit and review training documents.

**Investigator's Actions**

- Reviewed emails submitted by Sgt. Diehl
- Obtained documents defining jail sergeant duties by shift and task
- Obtained information form Lt. Ruiz

**Email Statement from Lt. Ruiz**

**Failure to review and edit training documents**

We will be training visiting sergeants for Detention Sergeant duties in the near future. I have been working with our Detention Sergeants to put together training materials and a draft copy had been passed around to each of them. I specifically met with Sgt. Charles Funk regarding various Detention topics on 3-14-16 and provided a draft copy of the visiting Sergeant's Detention Training Program. I asked him to mark directly on the copy with edits or ideas and speak directly with Sgt. Katie Diehl when she provided his relief the morning of 3-15-16.

Upon my return to work, Sgt. Diehl advised she did not receive any comments regarding the sergeant's training program, and the draft was still as is the night I provided it to Sgt. Funk.

The documents were formerly written on by me, as you can see in the attachment, and Sgt. Anderson provided a few additional edits as of 3-23-16.

See Attachment

**Email From Lt. Ruiz to Sgt. Funk Dated 3/14/2016**

Charles-

Per our initial discussion, get in the habit of completing necessary work earlier in your shift, to ensure it gets done, and not left for another supervisor to complete. Also communicate with your peers, if there is issue with completion of tasks. Examples:

- Time daily was sent out this past weekend when information was ready sooner.
- Completion of DAR each shift, not left for a few days when you work multiple days in a row.
- Good job contacting Tammy Good regarding issues with your BS&A account, but your peers should also know if issue, since the cash drawer was left for Monday morning.

If work continues to be passed to another shift, and/or without communication, a Blue Team will be necessary.

Traci Ruiz  
Staff Services-Lieutenant  
Lansing Police Department  
120 w. Michigan Avenue  
Lansing, MI 48933  
(517)483-4641

**Interview with Charles Funk**

Funk was interviewed in the Office of Internal Affairs on 04/14/2016. Prior to providing the following information Funk was read the LPD Truthfulness warning. This interview was conducted following interviewing Sgt. Funk for IA16-0018. It was agreed by all parties involved that the one time reading of the LPD Truthfulness warning was sufficient to cover the terms of both complaints being addressed. The following is a summary of responses provided by Funk.

- Sgt. Funk was familiar with the LPD Detention Sergeant Check-Off Sheet that was presented to him concerning the complaint about failing to edit and discuss the document.
- Funk stated Lt. Ruiz briefly came into his office on the night of 3/14/2016 and asked him to look at it and mark it on the sheet.
- Funk stated his meeting with Lt. Ruiz occurred in the Detention Sergeant Office.
- Funk saw no issues with the document so he made no edits.
- Funk states he was not told to specifically discuss this specific document with Sgt. Diehl.

**Evidence**

- LPD Detention Sergeant Check Off Sheet
- Email from Lt. Ruiz

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### **Background-Failure to complete DAR and Shift Premium tasks assigned to Night Shift Sergeant**

On 3/20/2016 Sgt. Wilcox reported to Lt. Ruiz that Sgt. Funk did not complete detention sergeant duties that he was responsible for over the weekend that he had worked. This failure to complete these assigned duties caused Sgt. Wilcox to take on additional work load to complete these time sensitive tasks. Sgt. Wilcox reported the Sgt. Funk failed to complete the DAR and the proper shift premium documents for the weekend spanning 03/17/2016 – 03/20/2016. Additionally, Lt. Ruiz had just coached Sgt. Funk on this responsibility and sent him a follow up email indicating these specific tasks need to be completed in a timely manner.

### **Investigator' s Actions-**

- Reviewed emails submitted by Sgt. Wilcox
- Obtained documents defining jail sergeant duties by shift and task

### **Emails Submitted by Ryan Wilcox**

Lt,

Again the DAR has not been done all weekend along (see attached document) along with shift Premium. He doesn't work again till Thursday so can't leave it for him to do when he comes back because they are due to Mel by 1400hrs Thursday.

Ryan

\*\*\* See attached DAR

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Attached is the shift Premium that Charles did not fill out for the 19<sup>th</sup>. I filled it out due to Charles not being back the next day.

\*\*\*See attached Shift Premium sheet

### **Email From Lt. Ruiz to Sgt. Funk Dated 3/14/2016**

Charles-

Per our initial discussion, get in the habit of completing necessary work earlier in your shift, to ensure it gets done, and not left for another supervisor to complete. Also communicate with your peers, if there is issue with completion of tasks. Examples:

- Time daily was sent out this past weekend when information was ready sooner.
- Completion of DAR each shift, not left for a few days when you work multiple days in a row.
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### **Interview with Charles Funk**

The following is a summary of responses provided by Funk.

- Funk verified by the use of her phone his leave days covering the dates of the shift premium and DAR issue. Funk confirmed he worked on the dates the issue arose.
- Funk stated he is not denying he did not complete the work. He just didn't remember.
- Funk is aware of the Night Shift Sergeant Tasks and agrees that completing the DAR and shift premium is one of them.
- Funk indicated that he sends the DAR on Wednesday nights that's when he completes them to submit to Melody (payroll).
- Funk reviewed the 03/14/06 email set by Lt. Ruiz which specifically stated, "Completion of DAR each shift, not left for a few days when you work multiple days in a row."
- Funk deflected about doing or not doing the DAR and did not acknowledge the directive of the email. He ultimately stated he was not required to do this task and whichever sergeant works Wednesday night is the sergeant who should do this. Also, if someone should forget to do it, another sergeant should just pick up the task and do it for them. Funk stated it wasn't a huge deal to do this. Funk said the email from Ruiz is about his past conduct of him not doing this in the past and did not feel it was applicable to the dates in question of this complaint.
- When presented the Jail Sergeant Task Sheet Funk acknowledged the form and the tasks on it. Funk indicated that task sheet meant nothing and that it had nothing to do with the complaint because he was not required to complete the DAR. He stated completing the DAR was not his duty.
- Funk was then asked if the only time the DAR was to be completed was on a Wednesday night and he then responded, "No." Funk then digressed on which dates the DAR should have been submitted to Melody.
- I clarified with Funk that this complaint had nothing to do with submitted the DAR to Melody (payroll) and that the complaint was address his failure to fill out data for specific nights. Funk said, "...about Saturday, specifically that one day.... Then yes, if I was here, working then I would have been required to fill it out." I asked Funk if he filled it o

out and he responded, “if you’re saying I didn’t, I didn’t.”

- Funk admitted he was trained to do the task and then recanted and said, “officially no, I watched Ellis do the task”.
- I informed Funk he previously received two informational from Lt. Ellis which included training and additional training and that it documented that he helped develop the Sgt. Manual documents. Funk indicated Sgt. Dahlke made the book, Funk only provided input.
- Funk admitted he understands completing the DAR is his responsibility as the Night Shift Sergeant.
- When asked if he felt his performance was unsatisfactory in the performance of his assigned tasks and duties Funk stated, “In my defense I think that’s way overkill as far as Unsatisfactory Performance. I think that forgetting to do a task like that is a mistake and oversight but unsatisfactory performance is a bit harsh.”

#### **Evidence**

- DAR
- Shift Premium Sheet
- Emails

#### **Findings**

The complainant alleged that Officer Funk did not properly perform his duties as the assigned night shift sergeant over the period of 3/14/2016 – 3/20/2016. The investigation revealed Sgt. failed to properly complete DAR and the shift premium paperwork for his shift. This action resulted in others supervisor taking on the responsibility. These tasks are time sensitive and affect the pay of multiple employees. This action was directed to be completed on a nightly basis by Lt. Ruiz.

Lt. Ruiz and Sgt. Funk differ in their beliefs on the direction of the requirement and level to which editing and review of the LPD Detention Sergeant Check-Off Sheet. Funk reviewed and looked at the Sheet but saw no needs for any editing. This is why he did not contribute editing to the sheet.

#### **Rule Violation: 1.10 Unsatisfactory Performance- Sustained**

Employees shall maintain sufficient competency to properly perform their duties and responsibilities. Employees shall perform their duties in a manner which will maintain high standards of efficiency. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; a lack of knowledge regarding Departmental policy, procedures or application thereof; the unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee’s rank; the failure to take appropriate action on the occasion of a crime. disorder, or other condition deserving police

attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, procedures, directives, or orders of the Department.

Respectfully submitted,

*Susan Baylis*  
*Lieutenant*  
*Internal Affairs*